123 Washington Street Columbus, Indiana 47201 Phone: (812) 376-2550 Fax: (812) 376-2643





BARTHOLOMEW COUTNY BOARD OF ZONING APPEALS HEARING OFFICER (February 17, 2012 Meeting)

STAFF REPORT

Docket No. / Project Title: B/CU-12-02 (Ceraland)

Staff: Derek Naber **Hearing Officer:** Melissa Begley

Applicant: **Cummins Employees Recreation Association**

Property Size: 344.10 Acres

AP (Agriculture: Preferred) Zoning:

Location: 3989 South County Road 525 East, in Rock Creek Township

Background Summary:

The applicant has indicated that the proposed conditional use will allow a 256 square foot concession stand at an existing large-scale recreational use facility near 3 existing baseball diamonds.

Preliminary Hearing Officer Decision:

Approval, all criteria have been met.

Zoning District Intent:

The intent of the AP (Agriculture: Preferred) zoning district is as follows: To provide an area suitable for agriculture and agriculture-related uses. This district is further intended to preserve the viability of agricultural operations, and limit non-agricultural in areas with minimal, incompatible infrastructure.

Residential development in this zoning district is intended to be limited. In no instance shall this zoning district be considered a large-lot residential zone. This district is further intended to protect the use and value of both agricultural and non-agricultural property within the community.

Current Property Information:		
Land Use:	Recreational Use (Large Scale)	
Site Features:	The subject property features indoor and outdoor recreational facilities, a lake, and wooded areas.	
Flood Hazards:	The subject property is features in Flood Zone A (southeastern portion).	
Vehicle Access:	The property currently gains access from County Road 525 East (Collector) and County Road 600 (Local).	

Surrounding Zoning and Land Use:			
	Zoning:	Land Use:	
North:	AP (Agriculture: Preferred)	Agriculture Single-Family Residential	
South:	AP (Agriculture: Preferred)	Agriculture Single-Family Residential	
East:	AP (Agriculture: Preferred)	Agriculture Single-Family Residential	
West:	AP (Agriculture: Preferred)	Agriculture	

Planning Consideration(s):

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

- 1. The applicant is proposing a 16 foot by 16 foot (265 square foot) concession stand at Ceraland Park. The structure will be located in the middle of 3 baseball diamonds and next to an existing storage facility. The structure will have a front setback of 517 feet from County Road 525 East. The structure will have an extended 3 foot awning from the foundation of the building. The only exterior lighting featured would be a flat fluorescent lamp underneath the awning. The concession stand will serve the needs of the park and have no signage which displays information outside of the park facility.
- 2. According to Zoning Ordinance 6.1 (G), accessory uses such as concession stands are permitted within a park. It also states that the maximum cumulative area of all of the structures cannot exceed 10% of the park and recreation site. The cumulative square footage of the structures at the park including the concession stand is 44,826 square feet, which is less than 1%.
- 3. Ceraland is an existing large-scale recreational use facility which is permitted through conditional use approval. According to Zoning Ordinance Section 12.4 (I), an existing or approved conditional use cannot be expanded without additional approval from the Board of Zoning Appeals. The intent of a conditional use is ensure that the general welfare, development standards, ordinance intent, and comprehensive plan are still met for a proposed use or proposed expansion on a property with its respective zoning.

Comprehensive Plan Consideration(s):

The Future Land Use Map indicates the future use of this property as Rural Preferred District.

Provisional Findings of Fact/Decision Criteria

Section 12.4(D) of the Zoning Ordinance permits the Board of Zoning Appeals Hearing Officer to allow conditional uses that meet the criteria listed below. The Hearing Officer may impose reasonable conditions as part of an approval.

1. The proposal will not be injurious to the public helath, safety, and general welfare of the community.

Provisional Findings: The proposed structure meets all of the development standards of the Zoning Ordinance and is adequately setback from the right-of-way. *This criterion has been met.*

2. The development of the property will be consistent with the intent of the development standards established by the Zoning Ordinance for similar uses.

Provisional Findings: The concession stand will serve as an accessory use to the park and baseball diamonds. The total square footage of the all structures (including the proposed structure) on the subject property are significantly less than what is permitted for park structures. *This criterion has been met.*

3. Granting the conditional use will not be contrary to the general purposes served by the Zoning Ordinance, and will not permanently injure other property or uses in the same zoning district and vicinity.

Provisional Findings: The structure does not overwhelm the subject property and make the park seem out of context. The property still blends with its rural context while still providing recreational amenities and services. *This criterion has been met.*

4. The proposed use will be consistent with the character of the zoning district in which it is located and the recommendations of the Comprehensive Plan.

Provisional Findings: There are no Comprehensive Plan recommendations which are inconsistent with the proposed structure. The property still maintains a rural atmosphere while the concession provides an additional service for the park. *This criterion has been met.*

Hearing Officer Options:

In reviewing a request for <u>conditional use</u> the Hearing Officer may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Hearing Officer, (4) deny the petition (with or without prejudice), or (5) forward the petition to the full Board of Zoning Appeals.